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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/688,315	10/17/2003	Young Hwan Jeoung	DU8785US	9448
22203	7590	07/14/2004	EXAMINER	
KUSNER & JAFFE HIGHLAND PLACE SUITE 310 6151 WILSON MILLS ROAD HIGHLAND HEIGHTS, OH 44143			CHIN, PAUL T	
			ART UNIT	PAPER NUMBER
			3652	

DATE MAILED: 07/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/688,315

Applicant(s)

JEOUNG, YOUNG HWAN

Examiner

PAUL T. CHIN

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 17 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1 and 2 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 2 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 3/8/2004.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Priority*

1. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d).

### *Information Disclosure Statement*

2. The information disclosure statement (IDS) submitted on October 17, 2003, was filed and the submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Martinez (3,132,887).

Martinez (3,132,887) discloses an apparatus for taking out a contact lens (30) from its keeping or disinfecting container (Fig. 3) without touching the contact lens with fingers, characterized by that it comprises: a handle portion (12) which can be gripped by a finger, a connection portion (14) formed in unity with said handle portion, and a contact lens attaching portion (16) having a hemisphere-like shape in which its upper face is concave and its bottom face is convex (see Fig. 5) and having a through hole (20) (Fig. 2) formed by cutting out the center of the hemisphere in a circle so that a contact lens can be attached thereon, wherein said

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contact lens attaching portion is attached to the concave face of said contact lens (30) to take out the contact lens from said keeping or disinfecting container.

5. Claim 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Shoup (4,123,098).

Shoup (4,123,098) discloses an apparatus for taking out a contact lens from its keeping or disinfecting container (36) (Fig. 4) without touching the contact lens with fingers, characterized by that it comprises: a handle portion (12) which can be gripped by fingers, a connection portion (14) formed in substantially unity with said handle portion, and a contact lens attaching portion (32) having a substantially hemisphere-like shape in which its upper face is concave and its bottom face is convex (see Fig. 3) and having a through hole (20) (Fig. 3) formed by cutting out the center of the hemisphere in a circle so that a contact lens can be attached thereon, wherein said contact lens attaching portion is attached to the concave face of said contact lens to take out the contact lens from said keeping or disinfecting container.

Re claim 2, Shoup (4,123,098) also shows an opening portion (30) (Figs. 2 and 3) in a suitable width at a side of the hemisphere having a through hole.

6. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Buchanan, Jr. (4,088,359).

Buchanan, Jr. (4,088,359) discloses an apparatus comprising a handle portion (10) which can be gripped by a finger or fingers, a connection portion (Figs. 3 and 4)

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formed in unity with said handle portion, and a contact lens attaching portion (Fig. 3) having a substantially hemisphere-like shape in which its upper face is concave (fig. 4) and its bottom face is convex (see Fig. 4) and having a through hole formed by cutting out the center of the hemisphere in a circle so that a contact lens can be attached thereon, wherein said contact lens attaching portion is attached to the concave face of said contact lens (16). It is pointed out that Buchanan, Jr. (4,088,359) contains all the structural elements as recited in claim 1 while the intended use (*i.e. for taking out a contact lens from its keeping or disinfecting container without touching the contact lens with fingers*) is not patentably significant.

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PAUL T. CHIN whose telephone number is (703) 305-1524. The examiner can normally be reached on MON-THURS (7:30 -6:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, EILEEN LILLIS can be reached on (703) 308-3248. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "Paul Chin", with a stylized flourish at the end.

PAUL T. CHIN  
Examiner  
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